THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 10088 OF 2006

Dated 19th June, 2007

Between:

Sri Nalgonda Anjaneyulu.

…Petitioner

And

The District Collector, Guntur District
and others.

…Respondents.

ORAL ORDER:

The petitioner, who is the Sarpanch of Garapadu village, has filed this writ petition seeking issuance of a writ of mandamus to declare the action of the respondent authorities in constructing the BC school building in 0.05 cents of land as against the availability of 0.25 cents of land in the same village, which was being provided by one Mr.G.Tirupathi Rao, as arbitrary and illegal.

However, it is stated in the counter-affidavit that the land of 0.25 cents was not transferred by executing any valid deed of conveyance. Further, it is also stated that the construction was started in the month of April, 2006 and substantial constructions were already made.

Though there was an interim order at the first instance, but the said order was vacated by order dated 4.12.2006.

In the absence of any valid transfer of any other extent of land suitable for construction, the present construction being made in 0.05 cents of land cannot be said to be illegal. Moreover, Tirupathi Rao who is said to have provided 0.25 cents of land is not made a party to the writ petition. In any event, substantial constructions had already been made even by the time the petitioner approached this court. In that view of the matter, I do not find any ground, which warrants interference in this writ petition filed under Article 226 of the Constitution of India.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

19-6-2007 **R.SUBHASH REDDY, J.**

VR